

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1, 4, 6-9, 11 and 15-20 are in the application. Through this Amendment, claims 1, 4, 6-9 and 11 have been amended. Claims 2, 10, 13 and 14 have been cancelled. Claims 15-20 presently stand withdrawn in view of a previous election.

In the Official Action, the Examiner rejected claims 1, 4 and 8-10 under 35 U.S.C. §103(a) as being allegedly unpatentable over Witt (U.S. Patent No. 4,810,652) in view of Land (U.S. Patent No. 3,630,849).

Witt is directed to a cell growth harvester for roller bottles. With respect to Fig. 1, a roller bottle 12 is disclosed having a scraper assembly cap 20 mounted thereon, with bushing 22. Shaft 16 extends through bushing 22 from which extend blades 28. The bottom portion 38 of the shaft 16 extends into pocket 36, formed in indentation 32. As set forth at col. 3, ll. 46-48, "the indentation 32 may be utilized as a manner in which bottles may be stacked for storage purposes. Thus, indentation 32 receives an adjacent neck 15 of another roller bottle." There is no disclosure or suggestion of Witt of accommodating a cap mounted onto an adjacent bottle within the indentation 32. The indentation 32 is disclosed only to receive a plain neck of an adjacent stacked bottle.

Land is directed to a receptacle and lid combination for molding solidified nutrient containing agar-agar. (Abstract). Figs. 1 and 2 depict a receptacle 10 and lid 12 combination. Short projections may be formed on the outer face of the lid, as noted by the Examiner. (Col. 2, ll. 39-41).

Claim 1 has been amended to cover a combination of "a first roller bottle"; "a cap mounted onto said first roller bottle"; and, "a second roller bottle". The second roller bottle includes "an inwardly directed recessed portion for accommodating said cap mounted onto said

first roller bottle". There is absolutely no disclosure or suggestion in Witt of accommodating a cap within the indentation 32. The indentation is formed only to accept "an adjacent neck 15 of another roller bottle." (Col. 3, ll. 48-49). In addition, the projections in Land are shown to be projecting from the lid 12 not the base 14. (See, Fig. 2). Thus, a hypothetical combination of Witt and Land would call for forming the top edge of the bottle neck to have projections to space it from the planar portion of the indentation 32. The projections would not be formed on the indentation 32 nor would the indentation 32 be formed to accommodate a cap. The combination of claim 1 clearly requires a cap to be accommodated within the claimed recessed portion. It is respectfully submitted that amended claim 1, along with dependent claims 4 and 8-10, are patentable over Witt and Land, each taken alone or in combination.

Claims 2 and 11 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Witt in view of Land and further in view of Kayal et al. (U.S. Patent No. 5,695,987).

Kayal et al. is directed to a reusable vented flask cap cover which includes a central gas permeable membrane 56. The gas permeable membrane 56 is mounted to a cap 20 that is securable to the flask. (Col. 3, ll. 38-42).

As discussed above, Witt discloses an indentation for accepting a neck of an adjacent stacked bottle, but not a cap mounted onto a bottle. Thus, there is no suggestion or motivation to modify Witt to have the Kayal et al. cap be accommodated within the indentation of Witt. In addition, protrusion 38 in Witt extends downwardly into the indentation 32 to accept a lower end of the shaft 16. Any hypothetical combination of Witt and Kayal et al. would have the protrusion 38 cover the opening in Kayal et al. and prevent any venting therefrom. Even combining the Kayal et al. cap with the projections from Land, the protrusion 38 in Witt would still block and prevent venting. Accordingly, it is respectfully submitted that Kayal et al. does not overcome the deficiencies of Witt and Land noted above. With claim 11 depending from claim 1, it is respectfully submitted that claim 11 is also patentable.

The Examiner rejected claims 6, 7, 13 and 14 under 35 U.S.C. §103(a) as being allegedly unpatentable over Witt in view of Land and further in view of Pedmo (U.S. Patent No. 6,585,123).

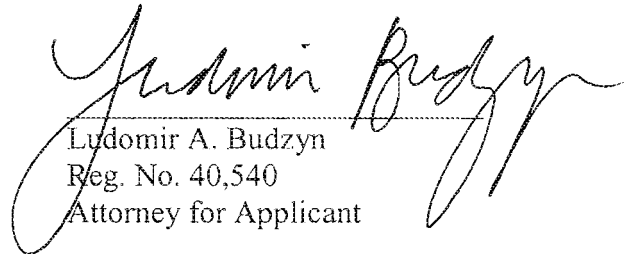
Pedmo is directed to a plastic bottle 10 which includes a base 18 having an outer rim 28 and a central hub 30. A plurality of struts 34 extend radially from the central hub 30 towards the annular rim 28. (Col. 2, ll. 46-47). As indicated at col. 3, ll. 24-25, and shown in Fig. 4, a peripheral stepped area 50 may be provided to "facilitate stacking." The stepped area 50 is clearly spaced from the struts 34, as shown in Figs. 1 and 5. (See, also col. 4, ll.1-3, "[The] base includes a peripheral stepped area to facilitate stacking located between the annular rim and struts.") (Emphasis applied)).

Pedmo discloses a stepped area 50 for stacking which has a planar annular end wall, with no rib extending therefrom. Thus, a similar bottle set into a nested, stacked relationship in the stepped area 50 will have a full face-to-face engagement with the planar annular end wall, with no space being defined therebetween. There is no motivation or suggestion to have the struts 34 act like ribs. Accordingly, there is no motivation or suggestion to form the projections in Land in similar fashion to the struts of Pedmo. The struts appear to be provided for structural support in Pedmo. (See, col. 2, ll. 59-67 of Pedmo). It is respectfully submitted that Pedmo does not overcome the deficiencies noted above of Witt and Land. With claims 6 and 7 depending from claim 1, it is respectfully submitted that claims 6 and 7 are patentable over Witt, Land and Pedmo, each taken alone or in combination.

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Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,



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